

Practitioner's Docket No. 17396/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Maurice R. De Billot, et al. Confirmation No. 8087
Application No.: 10/026,301 Group No.: 1617
Filed: 12/19/2001 Examiner: Abigail Manda Cotton
For: Method of Improving
Yield and Vigor of Plants

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP**

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.



Signature

Mim Voet

Date: July 12, 2007

(type or print name of person certifying)

** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	OTHER THAN SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDIT. FEE	
TOTAL	28	MINUS	28	= 0	x \$	50.00	= \$	0.00
INDEP	1	MINUS	3	= 0	x \$	200.00	= \$	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+	\$ 0.00	= \$	0.00
TOTAL							\$	0.00
ADDIT. FEE								

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

FEE DEFICIENCY

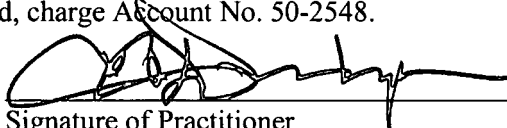
5. If any extension and/or fee is required beyond the enclosed \$790.00 fee for the RCE filed herein, charge Account No. 50-2548.

If any additional fee for claims is required, charge Account No. 50-2548.

Date: July 12, 2007

Reg. No.: 35,124

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Signature of Practitioner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/026,301 CONFIRMATION NO. 8087
APPLICANT : De Billot *et al.*
FILED: : December 19, 2001
TC/A.U. : 1617
EXAMINER : Abigail M. Cotton
DOCKET NO. : 17396/09015
CUSTOMER NO. : 45850

**RESPONSE AND AMENDMENT AFTER OFFICE ACTION DEEMED TO BE A FINAL
ACTION PURSUANT TO 37 C.F.R. §1.114.**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action of April 13, 2007, and the Advisory Action of June 27, 2007. The response is filed along with a request for continued examination and appropriate fees for such request and is believed to be timely on account of being filed within three months of the mailing date of the most recent Action.

There are no **Amendments to the Specification.**

Amendments to the claims are shown in the listing of the claims that begins on page 2 of this paper.

There are no **Amendments to the Drawings.**

Remarks/Arguments begin on page 20 of this paper.